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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/571,747	03/14/2006	Eric L. Meijer	PHUS030320US	1210

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EXAMINER

LARYEA, LAWRENCE N

ART UNIT	PAPER NUMBER
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3768

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/571,747	Applicant(s) MEIJER, ERIC L.	
	Examiner LAWRENCE N. LARYEA	Art Unit 3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4-7,9,11-13 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4-7,9,11-13 and 15-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner acknowledges Applicant's amendment and remarks filed 24 October 2007

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 4,9,11,12,15,18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dewaele (US Patent 7,065,235)** in view of **Ema et al (US Patent 5,779,634)** and further view of **Nafstadius (US 2004/005027)**.

3. **Dewaele** teaches a diagnostic image processing system comprising: a user interface (display) (**See Figures 7 and 8**) with which a user selects a region of interest of at least a baseline diagnostic images from which the parameter values are to be extracted (**See Col. 5, lines 1-19**) a parameter extraction processor (a computer program inherently run by a processor) for extracting like parameter values from the selected region of interest from data (**reference images**) for generating the baseline and stored diagnostic images and a report formatting means for formatting the extracted parameter values from the baseline and diagnostic images generated at different times into a report descriptive of the parameter value development with time (**See Col. 6,**

lines 48-67, Col. 10, lines 6-64, Col. 9, lines 20-22, Col. 12, lines 22-42 and Claim 13 and Fig. 8).

4. **Dewaele** teach the claimed invention see rejection supra, **Dewaele** does not expressly teach that the medical information processing system includes a subject database that stores the diagnostic images each in association with at least a patient identity and date, the database being, updated each time a patient is imaged and searching means

5. **Ema et al (US Patent 5,779,634)** teach a medical information processing system wherein a subject database that stores the diagnostic images each in association with at least a patient identity and date, the database being, updated each time a patient is imaged and searching means (**See Col.6, lines 39- 67, Col.7, lines 64-67, Tables 16,1,2,3,6-10, Col.1, lines 27-32, Col.25, lines 12-32, Col.37, lines 40-67**) in order to evaluate medical examination more efficiently (**See Col.1, lines 9-14 and Col.3, lines 23-64**).

It would have been obvious to one having ordinary skill in the art at the time invention was made to modify a diagnostic image processing system of **Dewaele** wherein a subject database that stores the diagnostic images each in association with at least a patient identity and date, the database being, updated each time a patient is imaged and searching means of **Ema et al** in order to evaluate medical examination more efficiently as taught by **Ema et al**.

6. The combination of **Dewaele and Ema et al** does not expressly teach that the medical information processing system includes comparing the current subject database with the same subject stored images.

7. **Nafstadius (US 2004/005027)** teach a medical information processing system including comparing the current subject database with the same subject stored images in order to detect any anatomical or spatial different for further imaging analyses procedures (See abstract, paragraphs [0001],[0005],[0006],[0018] and [0026]).

8. It would have been obvious to one having ordinary skill in the art at the time invention was made to modify a diagnostic image processing system of **Dewaele and Ema et al** including comparing the current subject database with the same subject stored images in order to detect any anatomical or spatial different for further imaging analyses procedures in order to help user to know or see changes, developments in tumor tissue and misplacement of current subject during a radiation diagnostic imaging as taught by **Nafstadius**.

9. Claims 6,13,15-17,19,20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dewaele, Ema et al** in view of **Nafstadius** as applied in Claim 2 and further view of **Hochman (US 2003/0236458)**.

10. **Dewaele, Ema et al and Nafstadius** teach the claimed invention see rejection supra **Dewaele, Ema et al and Nafstadius** do not teach that the diagnostic processing system includes a graphing means for plotting change of selected parameter versus time.

11. Hochman teaches a diagnostic processing system includes graphing means for plotting change of selected parameter versus time in order to monitor various medical conditions such as blood characteristics, blood flow and abnormalities in tissues during examination purposes (**See Fig. 2-7B, Paragraphs [0028], [0119],[0002], [0204], and [0263]**).

It would have been obvious to one having ordinary skill in the art at the time invention was made to modify a diagnostic processing system of **Dewaele, Ema et al and Nafstadius** to includes graphing means for plotting change of selected parameter versus time of **Hochman** in order to order to monitor various medical conditions such as abnormalities (tumor) in tissues during examination purposes (**See Fig. 2-7B, Paragraphs [00110]**, as taught by **Hochman**).

12. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable **Dewaele, Ema et al and Nafstadius** as applied in Claim 2 and further view of **Washburn et al (Patent 6,379,306)**.

13. Dewaele, Ema et al and Nafstadius teach the claimed invention see rejection supra **Dewaele, Ema et al and Nafstadius** do not teach that the diagnostic processing system includes a cine generator.

14. Washburn et al (Patent 6,379,306) teach a diagnostic processing system which includes a cine generator in order to display acquired images in a video format (**See Col.9, lines 39-64, Col.6, lines 27-53, Fig.5 and 6**).

It would have been obvious to one having ordinary skill in the art at the time invention was made to modify a diagnostic processing system of **Dewaele, Ema et al and Nafstadius** includes a cine generator of **Washburn et al** in order to display acquired images in a video or movie format as known in the art.

Response to Arguments

Claims 2, 4-7, 9, 11-13, 15-21 are now pending. The Examiner acknowledges the amendments to Claims 2, 4-7, 9 and 18.

Applicant's arguments with respect to the rejection(s) of claim(s) 2, 4-7, 9, 11-13, 15-21 have been fully considered have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAWRENCE N. LARYEA whose telephone number is (571)272-9060. The examiner can normally be reached on 9:30 a.m.-5:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on 571-272-08230823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/L. N. L./

/Eric F Winakur/
Primary Examiner, Art Unit 3768